

Amendments to the Drawings:

Please add new Figures 6 and 7, which are attached hereto.

REMARKS/ARGUMENTS

Applicant appreciates the interview granted by the Examiner on January 31, 2006, in which the Examiner and Applicant's attorney discussed generally the claims and the addition of claim language reciting a motor chain saw and having the brake release. In light of this discussion, Applicant has amended the claims, not to change their scope, but to clarify that the brake release is intended for attachment to a motor chain saw.

Applicant has also amended the drawings and the specification to clarify this relationship between the brake release and the motor chain saw.

The amendments to the drawings and claims are fully supported by the specification and do not add new matter to it. For example, support for the amendments may be found in paragraph 10, in paragraphs 19-22, as originally filed, and in paragraphs 23 and 25, as originally filed. The amendments to the specification simply add references to the new drawings, which, as noted above, were added for clarification and do not provide anything new.

Objection to Drawings

The Examiner objected to the drawings under 37 C.F.R. 1.83(a), asserting that they fail to show the relationship between the brake release handle and the chain saw.

Applicant has amended the application, adding Figures 6 and 7, which show the brake release attached to the motor chain saw and, specifically, to the braking mechanism.

Applicant respectfully submits that a drawing of the chain saw with the attached brake release is not essential to an understanding of the invention, however, as the chain saw is described fully in the specification, as described in more detail below. One of ordinary skill in the art would be able to practice the invention even without a drawing.

In light of the submitted drawings, Applicant respectfully requests reconsideration and withdrawal of this objection.

Objection to Specification

The specification is objected to under 37 C.F.R. 1.71 "for not disclosing how the brake release is secured to a chain saw handle" or "how the front wall of the brake release handle faces the saw chain" or "what specific area of the chain saw and the area around the chain saw are illuminated by the light source of the brake release."

It is submitted that the new drawings obviate this objection. Applicant further respectfully traverse the objection.

Paragraphs 19 and 22 describe in detail the structure of the motor chain saw and the attachment of the motor chain saw to the motor housing.

As to a description of how the light source works, Paragraph 23, among others, describes how the light source "is directed over the cutting region of the saw chain."

In addition, paragraph 25 states:

The brake release 10 described herein has a light source 11 located in the brake release operatively positioned for illuminating the saw chain while in operation, with the light source emanating from the front wall 12 to illuminate at least a portion of the saw chain while in operation.

In these ways, the specification fully describes the attachment of the brake release to the main motor housing and the manner in which the light source illuminates the saw chain.

For the above reasons, Applicant respectfully requests reconsideration and withdrawal of this objection under 37 C.F.R. 1.71.

Rejections under 35 U.S.C. Section 112

Claims 41-55 stand rejected under 35 U.S. C. Section 112, first paragraph, as not describing the invention in such a way as to enable one skilled in the art to make and/or use the invention. Specifically, the Examiner notes that "the disclosure fails to teach how the release brake of the instant invention can be used in a motor chain saw."

Applicant respectfully traverses this rejection, as the specification describes in detail the relationship between the brake release and motor chain saw in paragraphs 19-22, thus enabling one of skill in the art to practice the invention.

In an effort to advance prosecution, Applicant has amended the claims so that they expressly recite a motor chain saw (rather than just a brake release) in which the braking mechanism of the motor chain saw is operatively attached to the brake release. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Rejections under 35 U.S.C. Section 102

Claims 41, 42, 44, 46, 49, 50, and 52 are rejected under 35 U.S.C. Section 201(b) as being anticipated by Didato (U.S. Patent No. 5,863,112).

Under 35 U.S.C. Section § 102(b), to anticipate a claim, a reference must disclose each and every element of the claim. See also MPEP § 2131. Didato discloses an emergency brake illuminator for a motor vehicle. It does not disclose a motor chain saw, as recited in the amended claims. Therefore, Applicant respectfully requests its reconsideration and withdrawal.

Rejections under 35 U.S.C. Section 103(a)

Claims 43, 47, 48, 51, and 53-55 are rejected under 35 U.S. C. Section 103(a) as being obvious over Didato in view of Toth (U.S. Patent 6,507,226) or Swenson (U.S. Patent No. 4,588,387).

In order to establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claim limitations, there must be some motivation or suggestion to combine the references, and there must be a reasonable expectation of success. See MPEP § 2142, "Establishing a *prima facie* case of obviousness."

As noted above, Didato does not disclose a motor chain saw, as recited in the amended claims. Neither Toth nor Swenson, which deal with an illuminated hockey stick and an illuminated infant toy, respectively, remedy this deficiency. Because this rejection has been rendered moot by the claim amendments, Applicant respectfully request reconsideration and withdrawal.

Additionally, Claim 45 was rejected as obvious over Didato in view of Budde (U.S. Patent No. 4,774,637).

Budde discloses a motor vehicle lamp with several light bulbs and does not relate to a chain saw. Neither Didato nor Budde, taken together or separately, disclose the motor chain saw recited in the claims as amended. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

In light of the above amendments and remarks, Applicant believes that each of the presently pending claims in this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objections and rejections to the claims and to pass this application to issue. Applicant does not believe

that any fees are required by the claim amendments. However, if Applicant is mistaken, any required fees may be charged to deposit account 50-2767.

If the Examiner has any questions regarding this communication, he is invited to contact the undersigned at (916) 325-5814.

Dated: 1 March 2006

McDonough Holland & Allen PC
555 Capitol Mall, 9th Floor
Sacramento, CA 95814-4692
Tel.: (916) 325-5814
Fax.: (916) 325-4587

Respectfully submitted,

By: 

Carl J. Schwedler, Reg. No.: 36,924